

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON ENERGY AND TELECOMMUNICATIONS

Call to Order: Chair Alan Olson, on February 15, 2011 at 3:00 PM, in Room 317-C
Capitol

ROLL CALL

Members Present:

Sen. Alan Olson, Chair (R)
Sen. Verdell Jackson, Vice Chair (R)
Sen. Shannon Augare (D)
Sen. Ron Erickson (D)
Sen. Jeff Essmann (R)
Sen. Bob Lake (R)
Sen. Lynda Moss (D)
Sen. Jason Priest (R)
Sen. Mitch Tropila (D)
Sen. Kendall Van Dyk (D)
Sen. Edward Walker (R)

Members Excused: Sen. Chas Vincent (R)

Members Absent: None

Staff Present: Sonja Nowakowski, Legislative Branch
Liane Taylor, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing:	SB 297	Executive Action:	SB 205
	SB 254		SB 285
	SB 285		SB 225
	SB 292		SB 226
	SB 305		SJ 4
	SB 330		SB 96
	SJ 12		

HEARING ON SB 297

Opening Statement by Sponsor:

00:03:06 Sen. Jeff Essmann (R), SD 28, opened the hearing on SB 297, Provide a separate process for coal beneficiation.

Proponents' Testimony:

00:05:01 Rich Southwick, representing Great Northern Project Development (GNPD)

[**EXHIBIT**](#)(ens37a01)

00:12:38 Steve Wade, representing Coal Mountain Mining (CMM)

00:13:32 Bob Winger, President, Boilermakers Local II

00:14:02 Bud Clinch, Executive Director, Montana Coal Council (MCC)

00:14:35 William Duffield, Montana Association of Oil, Gas & Coal Counties, Inc.
(MAOGC)

Opponents' Testimony:

00:15:04 Beth Kaeding, representing Northern Plains Resource Council (NPPC)

00:17:58 Anne Hedges, Montana Environmental Information Center (MEIC)

[**EXHIBIT**](#)(ens37a02)

Informational Testimony:

00:20:00 Ed Coleman, Bureau Chief, Department of Environmental Quality (DEQ)

Questions from Committee Members and Responses:

00:20:25 Sen. Erickson

00:21:03 Sen. Essmann

00:21:28 Sen. Erickson

00:22:03 Sen. Essmann

00:23:24 Sen. Erickson

00:24:21 Sen. Essmann

00:25:15 Sen. Erickson

00:25:40 Chairman Olson

00:25:58 Ed Coleman, DEQ

00:26:07 Chris Yde, DEQ

Closing by Sponsor:

00:26:54 Sen. Essmann

HEARING ON SB 254

Opening Statement by Sponsor:

00:27:21 Sen. Rowlie Hutton (R), SD 17, opened the hearing on SB 254, Provide state eminent domain authority for federal lands.

Proponents' Testimony:

00:34:05 Chuck Denowh, United Property Owners of Montana (UPOM)
[EXHIBIT\(ens37a03\)](#)

Opponents' Testimony:

00:41:16 Janet Ellis, Montana Audubon
[EXHIBIT\(ens37a04\)](#)

00:43:32 Anne Hedges, Montana Environmental Information Center (MEIC)

Informational Testimony: None

Questions from Committee Members and Responses:

00:44:23 Sen. Augare
00:44:51 Sen. Hutton
00:45:19 Sen. Augare

Closing by Sponsor:

00:46:01 Sen. Hutton

HEARING ON SB 292

Opening Statement by Sponsor:

00:48:56 Sen. Alan Olson (R), SD 23, opened the hearing on SB 292, Regulate underground coal gasification.

Proponents' Testimony:

00:50:51 Rich Southwick, Great Northern Project Development (GNPD)
01:00:07 Todd O'Hair, Government Affairs Director, Cloud Peak Energy (CPE)
01:01:44 Don Allen, Western Environmental Trade Association (WETA)
01:02:41 Leo Berry, Coal Mountain Mining (CMM)

Opponents' Testimony:

01:03:07 Beth Kaeding, Northern Plains Resource Council (NPRC)
01:05:48 Anne Hedges, Montana Environmental Information Center (MEIC)

Informational Testimony:

01:08:16 Ed Coleman, Bureau Chief, Department of Environmental Quality (DEQ)
01:08:42 Tom Richmond, Board of Oil and Gas, Department of Natural Resources and
Conservation (DNRC)

Questions from Committee Members and Responses:

01:09:14 Sen. Moss
01:09:45 Ed Coleman, DEQ
01:09:57 Sen. Lake
01:10:17 Rich Southwick, GNPD
01:10:46 Sen. Erickson
01:11:43 Rich Southwick
01:12:00 Sen. Erickson
01:12:13 Sen. Tropila
01:13:07 Sen. Olson
01:13:18 Sen. Tropila
01:13:25 Sen. Olson
01:14:40 Sen. Tropila
01:15:07 Sen. Olson
01:15:18 Tom Berry, CMM
01:16:05 Sen. Tropila
01:16:11 Sonja Nowakowski, LSD

Closing by Sponsor:

01:17:00 Sen. Olson

HEARING ON SB 305

Opening Statement by Sponsor:

01:18:53 Sen. Verdell Jackson (R), SD 5, opened the hearing on SB 305, Revise energy
policy.

Proponents' Testimony:

01:24:36 Todd O'Hair, Cloud Peak Energy (CPE)
EXHIBIT(ens37a05)
01:27:59 Don Allen, Western Environmental Trade Association (WETA)
01:29:06 Leo Berry, Great Northern Project Development (GNPD)
01:30:21 Gail Abercrombie, Montana Petroleum Association (MPA)
01:31:07 Bob Winger, President, Boilermakers II
01:32:08 Chris Christiaens, representing Montana Farmers Union (MFU)

Opponents' Testimony:

01:35:03 Kyla Wiens, Montana Environmental Information Center (MEIC)

01:38:19 Beth Kaeding, Northern Plains Resource Council (NPRC)

Informational Testimony: None

Questions from Committee Members and Responses:

01:40:14 Sen. Erickson
01:41:03 Sen. Jackson
01:41:14 Sen. Erickson
01:42:04 Sen. Jackson
01:42:12 Sen. Moss
01:43:41 Beth Kaeding, NPRC
01:44:08 Sen. Moss
01:44:13 Beth Kaeding

Closing by Sponsor:

01:44:42 Sen. Jackson

HEARING ON SB 330

Opening Statement by Sponsor:

01:49:18 Sen. Edward Walker (R), SD 29, opened the hearing on SB 330, Revise renewable portfolio standard laws.

Proponents' Testimony:

01:52:49 John Fitzpatrick, Northwestern Energy (NWE)
EXHIBIT(ens37a06)
02:01:58 John Alke, Montana-Dakota Utilities (MDU)
EXHIBIT(ens37a07)
02:06:51 Van Jamison, Gaelectric North America, Inc.(GAE)

Opponents' Testimony:

02:15:26 Kyla Wiens, Montana Environmental Information Center (MEIC)
02:20:27 Beth Kaeding, Northern Plains Resource Council (NPRC)
02:21:24 Sarah Sather, Montana Public Interest Research Group (MT PIRG)
EXHIBIT(ens37a08)
02:22:52 Diana Maneta, Montana Renewable Energy Resources (MREA)
02:23:49 Ryan Morton, self

Informational Testimony: None

Questions from Committee Members and Responses:

02:29:57 Sen. Essmann

02:30:23 John Alke, MDU
02:31:00 Sen. Essmann
02:31:16 John Alke
02:32:04 Sen. Essmann
02:32:13 John Alke
02:32:27 Sen. Erickson
02:33:25 Van Jamison, GAE
02:36:51 Sen. Essmann
02:37:38 Van Jamison
02:38:46 Sen. Essmann
02:39:05 Van Jamison

Closing by Sponsor:

02:39:44 Sen. Walker

EXHIBIT(ens37a09)

Testimony on several bills from Beth Kaeding.

HEARING ON SJ 12

Opening Statement by Sponsor:

02:43:36 Sen. Edward Walker (R), SD 29, opened the hearing on SJ 12, Resolution urging oil and gas leasing of federal land.

EXHIBIT(ens37a10)

Proponents' Testimony:

02:49:01 Gail Abercrombie, Montana Petroleum Association (MPA) and Montanans for Responsible Energy Development (MRED)

Opponents' Testimony:

02:51:46 Anne Hedges, Montana Environmental Information Center (MEIC)

EXHIBIT(ens37a11)

Informational Testimony: None

Questions from Committee Members and Responses:

02:55:56 Sen. Erickson
02:56:51 Sen. Walker
02:57:23 Sen. Erickson
02:57:33 Sen. Walker
02:57:59 Sen. Augare
02:58:51 Sen. Walker
02:59:23 Sen. Tropila
03:00:34 Sen. Olson

03:01:21 Sen. Tropila
 03:02:03 Sen. Olson
 03:02:09 Sen. Walker
 03:03:32 Sen. Priest
 03:04:13 Anne Hedges, MEIC
 03:05:09 Sen. Priest
 03:05:18 Anne Hedges
 03:05:26 Sen. Priest
 03:05:33 Anne Hedges
 03:05:44 Sen. Priest
 03:05:52 Anne Hedges
 03:06:07 Chairman Olson
 03:06:18 Anne Hedges
 03:06:28 Chairman Olson
 03:06:43 Tom Richmond, DNRC
 03:08:02 Sen. Olson
 03:08:10 Tom Richmond

Closing by Sponsor:

03:08:37 Sen. Walker
 03:11:18 Committee in Recess

EXECUTIVE ACTION ON SJ 4

03:30:20 **Motion/Vote:** Sen. Jackson moved that **SJ 4 BE RECONSIDERED.** Motion carried by roll call vote with Sens. Augare, Erickson, Moss, Tropila and Van Dyk voting no and Sens. Moss, Van Dyk and Vincent voting by proxy.

03:30:28 **Motion:** Sen. Jackson moved that **SJ 4 DO PASS.**

03:30:58 **Motion:** Sen. Jackson moved that **SJ 4 BE AMENDED.**
EXHIBIT(ens37a12)

03:31:16 Sonja Nowakowski, LSD

Discussion:

03:31:36 Sen. Tropila
 03:31:49 Sonja Nowakowski
 03:32:27 Chairman Olson
 03:33:00 Sen. Erickson
 03:33:17 Chairman Olson
 03:33:24 Sen. Augare
 03:33:58 Chairman Olson

03:34:55 **Vote:** Motion carried 7-5 by roll call vote with Sens. Augare, Erickson, Moss, Tropila and Van Dyk voting no and Sens. Moss, Van Dyk and Vincent voting by proxy.

03:34:57 **Motion/Vote:** Sen. Jackson moved that **SJ 4 DO PASS AS AMENDED**. Motion carried 7-5 with Sens. Augare, Erickson, Moss, Tropila, and Van Dyk voting no and Sens. Moss, Van Dyk and Vincent voting by proxy.

EXECUTIVE ACTION ON SB 96

03:35:48 **Motion:** Sen. Jackson moved that **SB 96 DO PASS**.

03:36:34 Chairman Olson

03:37:13 **Substitute Motion/Vote:** Sen. Lake moved that **SB 96 BE TABLED**. Motion carried unanimously by voice vote with Sens. Moss, Van Dyk and Vincent voting by proxy.

EXECUTIVE ACTION ON SB 205

03:37:21 **Motion/Vote:** Sen. Olson moved that **SB 205 DO PASS**. Motion carried 9-3 by roll call vote with Sens. Augare, Priest and Van Dyk voting no and Sens. Moss, Van Dyk and Vincent voting by proxy.

EXECUTIVE ACTION ON SB 225

03:39:20 **Motion:** Sen. Priest moved that **SB 225 DO PASS**.

03:39:23 **Motion:** Sen. Priest moved that **SB 225 BE AMENDED**.
EXHIBIT(ens37a13)

Discussion:

03:40:21 Sen. Erickson

03:42:16 Sen. Priest

03:43:32 Sen. Erickson

03:43:40 Sen. Priest

03:44:30 Sen. Erickson

03:44:47 **Vote:** Motion carried unanimously by voice vote with Sens. Moss, Van Dyk and Vincent voting by proxy.

03:46:32 **Motion:** Sen. Essmann moved that **SB 225 BE AMENDED**.
EXHIBIT(ens37a14)

- 03:47:07 **Vote:** Motion carries unanimously by voice vote with Sens. Moss, Van Dyk and Vincent voting by proxy.
- 03:47:22 **Motion/Vote:** Sen. Priest moved that **SB 225 DO PASS AS AMENDED**. Motion carried unanimously by voice vote with Sens. Moss, Van Dyk and Vincent voting by proxy.

EXECUTIVE ACTION ON SB 226

- 03:49:14 **Motion:** Sen. Priest moved that **SB 226 DO PASS**.
- 03:49:20 **Motion:** Sen. Priest moved that **SB 226 BE AMENDED**.
[EXHIBIT](#)(ens37a15)

Discussion:

- 03:49:31 Sonja Nowakowski
- 03:50:13 Sen. Priest
- 03:51:07 Sen. Erickson
- 03:51:14 Sen. Priest
- 03:51:20 Sen. Erickson
- 03:51:51 Sen. Priest
- 03:52:00 Sen. Erickson
- 03:52:53 Sen. Priest
- 03:53:12 Sen. Erickson
- 03:53:18 Sen. Priest
- 03:53:25 Sen. Erickson
- 03:53:31 Sen. Priest
- 03:53:37 Sen. Erickson
- 03:53:42 Sen. Lake
- 03:53:59 Sen. Tropila
- 03:56:16 Sen. Priest
- 03:56:33 Sen. Tropila
- 03:57:49 Chairman Olson
- 03:57:54 Sen. Tropila
- 03:58:22 Chairman Olson
- 03:58:52 Sen. Priest
- 04:01:16 **Vote:** Motion carried 7-5 with Sens. Augare, Erickson, Moss, Tropila, and Van Dyk voting no and Sens. Moss, Van Dyk and Vincent voting by proxy.
- 04:01:19 **Motion/Vote:** Sen. Priest moved that **SB 226 DO PASS AS AMENDED**. Motion carried 7-5 with Sens. Augare, Erickson, Moss, Tropila, and Van Dyk voting no and Sens. Moss, Van Dyk and Vincent voting by proxy.

EXECUTIVE ACTION ON SB 285

04:01:22 **Motion/Vote:** Sen. Erickson moved that **SB 285 DO PASS**. Motion carried 11-1 by voice vote with Sen. Vincent voting no and Sens. Moss, Van Dyk and Vincent voting by proxy.

04:02:12 Chairman Olson

ADJOURNMENT

04:02:28 Adjournment:

Liane Taylor, Secretary

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Additional Documents:

EXHIBIT([ens37aad.pdf](#))